

**IN THE CLAIMS**

Please cancel claims 7, 8, 10, 12, 15, 16, 19, 25, 26, amend claims 9, 20, 22, 24, 28, 29, 30 such that the new claim set reads as follows:

1. **(Previously Presented)** A device for retaining a tongue in a predetermined position, the device consisting essentially of:

a single flange having a first and second surface, said single flange being sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent, said single flange further including a protrusion extending from said first surface of said single flange; and

an aperture formed through said first and second surfaces of said single flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said single flange;

wherein said single flange and said protrusion comprise an integrally molded one-piece body.

2. **(Previously Presented)** The device according to Claim 1, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, or vacuum forming.

3. **(Previously Presented)** The device according to Claim 1, wherein said aperture is adapted to receive a tongue.

4. **(Previously Presented)** The device according to Claim 2, wherein said integrally molded one-piece body is constructed of a pliable material chosen from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

5. **(Previously Presented)** The device according to Claim 1, wherein a vacuum may be formed within said protrusion by compressing said protrusion and inserting a tongue into said aperture.

6. **(Canceled)** The device according to Claim 1, wherein said flange is adapted to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent.

7. **(Canceled)** A device for retaining a tongue in a pre-determined position, the device comprising:

a single flange having a first and second surface, said single flange being substantially flexible and sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent, an aperture, having a distal end and a proximal end, disposed within said single flange wherein said aperture further includes walls extending from said first surface of said single flange and from said distal end of said aperture, said walls forming a bulb protruding from said first surface of said single flange, wherein said bulb forms a chamber in communication with said aperture and being adapted to receive a tongue and wherein said proximal end of said aperture is contiguous with said second surface of said single flange.

8. **(Canceled)** The device according to Claim 7, wherein said single flange and said bulb comprise an integrally molded one-piece body.

9. **(Currently Amended)** The device according to Claim 7<sup>1</sup>, wherein a vacuum is formed in said ~~bulb~~ chamber by compressing said ~~walls~~ protrusion and inserting a tongue into said aperture.

10. **(Canceled)** The device according to Claim 7, wherein said walls form a smooth continuous surface with said first surface of said single flange.

11. **(Canceled)** The device according to Claim 7, wherein said flange is adapted to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent.

12. **(Canceled)** The device according to Claim 8, wherein said integrally molded one-piece body is constructed of one of the materials selected from the group consisting of polyvinylchloride, urethane, polyethylene and silicon.

13. **(Previously Presented)** A method of retaining a tongue in a predetermined position, the method comprising:

forming a vacuum within a tongue retention device by squeezing walls of a protrusion extending from a flange of said tongue retention device;

inserting a tongue through an aperture formed in said flange, wherein said tongue is received by said protrusion;

releasing said walls, thereby forming a vacuum within said protrusion; and

positioning said flange between a user's lips and frontal surface of said user's teeth such that the tongue retention device does not extend substantially past the user's teeth and into the user's oral cavity.

14. **(Previously Presented)** The method as claimed in Claim 13, wherein said flange is positioned between a user's lips and frontal surface of said user's alveolar ridges if teeth are absent.

15. **(Canceled)** The device according to Claim 7, wherein said proximal end of said aperture is radiused for providing a smooth continuous surface with said second surface of said single flange.

16. **(Canceled)** The device according to Claim 7, wherein said distal end of said aperture is radiused for providing a smooth continuous surface with said walls of said bulb.

17. **(Canceled)** A device for retaining a tongue in a predetermined position, the device comprising:

a bulb having a closed end and an open end, said bulb forming a hollow chamber for receiving a tongue through said open end; and

a single flange extending outwardly from said open end, said single flange being sized and shaped to be received between a person's lips and frontal surface of said person's teeth;

whereby when the flange is received between the person's lips and frontal surface of the person's teeth the device does not extend substantially past the person's teeth and into the person's oral cavity.

18. **(Canceled)** The device according to Claim 17, wherein said single flange and said bulb comprise an integrally molded one-piece body.

19. **(Canceled)** The device according to Claim 8, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, or vacuum forming.

20. **(Currently Amended)** The device according to Claim ~~8~~1, wherein said integrally molded one-piece body is constructed of a material having a thickness between about 0.010 inches and about 0.060 inches.

21. **(Previously Presented)** The device according to Claim 20, wherein said material has the thickness between about 0.025 inches and about 0.040 inches.

22. **(Currently Amended)** The device according to claim ~~8~~1, wherein said integrally molded one-piece body is formed having a constant thickness across it's entire cross-section.

23. **(Canceled)** The device according to Claim 17, wherein said single flange is pliable.

24. **(Currently Amended)** The device according to Claim ~~7~~1, wherein said single flange is adjustable to fit any size mouth.

25. **(Canceled)** The device according to Claim 8, wherein said integrally molded one-piece body is formed of a material selected from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

26. **(Canceled)** The device according to Claim 7, wherein a vacuum may be formed within said bulb by compressing said bulb and inserting said tongue into said open end.

27. **(Canceled)** The device according to Claim 17, wherein said single flange is adapted to be received between a person's lips and frontal surface of said person's alveolar ridges if teeth are absent.

28. **(Currently Amended)** The device according to Claim 7~~1~~, wherein said chamber has a pre-determined volume such that only a pre-determined amount of a person's tongue will be received in said chamber.

29. **(Currently Amended)** The device according to Claim 7~~1~~, wherein said chamber is sized and shaped to snugly receive a forward section of a person's tongue.

30. **(Currently Amended)** The device according to Claim 7~~1~~, wherein said aperture is elongated in shape for receiving a person's tongue.

31. **(Canceled)** The device according to Claim 17, whereby when said single flange is received between a person's lips and frontal surface of a person's teeth, said device does not extend into said person's oral cavity.

32. **(Previously Presented)** A device for retaining a tongue in a predetermined position, the device consisting essentially of:

a single flange having a first and second surface, said single flange further including a protrusion extending from said first surface of said single flange; and

an aperture formed through said first and second surfaces of said single flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said single flange;

wherein said single flange is sized and shaped to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent.

33. **(Previously Presented)** The device according to claim 32, wherein said single flange is curved to fit a person's jaw line.

34. **(Previously Presented)** The device according to Claim 32, wherein said single flange is constructed of a material having a thickness between about 0.010 inches and about 0.060 inches.

35. **(Previously Presented)** The device according to Claim 34, wherein said material has the thickness between about 0.025 inches and about 0.040 inches.

36. **(Previously Presented)** The device according to Claim 32, wherein said single flange and said protrusion comprise an integrally molded one-piece body.

37. **(Previously Presented)** The device according to Claim 36, wherein said integrally molded one-piece body is formed by means of blow molding, injection molding, casting, or vacuum forming.

38. **(Previously Presented)** The device according to Claim 32, wherein said aperture is adapted to receive a tongue.

39. **(Previously Presented)** The device according to Claim 36, wherein said integrally molded one-piece body is constructed of a material selected from the group consisting of polyethylene, urethane, silicon, and polyvinylchloride.

40. **(Canceled)** A device for retaining a tongue in a predetermined position, the device comprising:

a flange having a first and second surface, said flange further including a protrusion extending from said first surface of said flange; and

an aperture formed through said first and second surfaces of said flange, wherein said protrusion covers said aperture, whereby said protrusion forms a hollow chamber, said hollow chamber being accessible through said aperture from said second side of said flange;

wherein said flange is constructed of a pliable material to be comfortably received between a person's lips and frontal surface of a person's teeth or alveolar ridges if teeth are absent.

41. **(Canceled)** A device according to claim 40, wherein said pliable material is selected from the group consisting of polyvinylchloride, urethane, polyethylene and silicon.

42. **(Canceled)** The device according to Claim 40, wherein said pliable material has a thickness between about 0.010 inches and about 0.060 inches.

43. **(Canceled)** The device according to Claim 42, wherein said pliable material has the thickness between about 0.025 inches and about 0.040 inches.



44. **(Previously Presented)** A kit comprising:

a device for retaining a tongue in a pre-determined position consisting essentially of a bulb having a closed end and an open end, said bulb forming a hollow chamber for receiving a tongue through said open end, and a single flange extending outwardly from said open end, said single flange to be received between a person's lips and frontal surface of said person's teeth or alveolar ridges if teeth are absent; and

instructions for use of said device comprising adjusting the overall size of said single flange to comfortably fit between a person's lips and frontal surface of said person's teeth.

45. **(Previously Presented)** The kit according to claim 45, wherein said adjustment of said single flange comprises trimming said single flange with a cutting device.